

REMARKS

At the outset, Applicants thank the Examiner for reviewing and considering the pending application. The *Office Action* dated October 5, 2007 has been received and its contents reviewed.

No claims have been amended. Claims 1-5 are currently pending. Reconsideration of the pending claims is respectfully requested.

Claims 1-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0056225 (hereinafter *Bione*) in view of U.S. Patent No. 7,076,491 (hereinafter *Tsao*) and further in view of U.S. Patent Application Publication No. 2006/0004920 (hereinafter *Hallenbeck*). Applicants respectfully traverse this rejection.

As required in Chapter 2143.03 of the M.P.E.P., in order to “establish *prima facie* obviousness of the claimed invention, all the limitations must be taught or suggested by the prior art.” Applicants submit that *Bione*, *Tsao*, and *Hallenbeck*, taken singularly or in combination, do not disclose or suggest each and every element recited in claims 1-5.

For example, independent claim 1 recites a method comprising, *inter alia*, “generating a file by the input control data such that a format of the generated file depends on a manufacturer of an appliance.”

As admitted by the Office, *Bione* and *Tsao* fail to disclose at least this claimed features. See Office Action at pages 3-4. Thus, the Office relies upon *Hallenbeck* to disclose at least this features. In particular, the Office cites ¶ 0008, lines 1-8 of *Hallenbeck*. Applicants, however, disagree with the Office’s assertions.

Hallenbeck discloses a distributed, packet-based premises automation system, in which the system can include multiple, distributed, processor-based input/output (I/O) units. See *Hallenbeck* at Abstract. *Hallenbeck*’s FIG. 1 is a network diagram of his premises automation system. I/O units (e.g., 100, 101, 102, and 103) are described as having “a unique unit number so that all the I/O [units] in the system can be uniquely addressed.” *Hallenbeck* at ¶ 0029, lines 7-8. Furthermore, each input and output of a given I/O unit has its own unique number within

that I/O unit. *See id.* at lines 8-12. *Hallenbeck* is strictly concerned with getting data to and from input and output ports of each I/O unit in his plurality of I/O units. He speaks only in generalities as to the apparatus that connects to the I/O units. *See, e.g., Hallenbeck* at ¶ 0035. Using *Hallenbeck's* nomenclature, “things” are connected to and manipulated by the I/O units. “Thus, all ‘things’ manipulated by the system have a unique identifier[, that being the unique identifier of the I/O unit to which it is connected].” *Id.* at ¶ 0029, lines 15-16.

Hallenbeck never provides detail about the generation of files used to control the “things” (a.k.a., apparatus) connected to his I/O units. The format of communications described by *Hallenbeck* is a format that allows “an input or output [of a unique I/O unit] to be distinguished within a plurality of distributed inputs or outputs, as the case may be.” *Id.* at ¶ 0029, lines 33-36. *Hallenbeck* describes a format that is independent of the apparatus connected to his I/O units. *Hallenbeck's* format has nothing to do with the manufacturer(s) of apparatus connected to the I/O units.

The Office, however, appears to cite ¶ 0008, lines 1-8 of *Hallenbeck* as support for the purported obviousness of “the feature of a format of the generated file depends on a manufacturer of an appliance because [] the inputs and outputs can be sent and received in various format to communicate with different premises based apparatus.” Office Action at p. 4. Applicant disagrees. Paragraph 0008 of *Hallenbeck* simply reiterates that an “I/O unit according to the invention, can receive a packet that is formatted to direct a change in a state of the output [of the I/O unit].” *Id.* The format of the “packet uniquely identifies the output with an output identifier, and also communicates the change in state [of the output].” *Id.* To the extent that a “packet” can be construed as a “file,” *Hallenbeck* is clearly formatting the packet for communication with and control of a unique I/O unit, not the apparatus attached to the I/O unit. *See* ¶ 0008.

Hallenbeck does not disclose or suggest, in ¶ 0008 or anywhere in the disclosure, *inter alia*, “generating a file by the input control data such that a format of the generated file depends on a manufacturer of an appliance.” In addition to each of the arguments above, this is at least evidenced by the fact that *Hallenbeck* does not distinguish between different types of appliances and does not disclose any differences in format based on “a manufacturer of an appliance,” neither in paragraph 0008 nor anywhere in the disclosure. Consequently, *Hallenbeck*

is deficient in disclosing that "a format of the generated file depends on a manufacturer of an appliance," as recited.

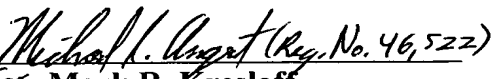
For at least the aforementioned reasons, Applicants respectfully submit that independent claim 1 is patentably distinguishable over *Bione*, *Tsao*, and *Hallenbeck*. Likewise, claims 2-5, which depend from independent claim 1, are also patentable for at least the same reasons. Accordingly, Applicants respectfully request the 35 U.S.C. § 103(a) rejection be withdrawn.

The application is in condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: December 21, 2007

Respectfully submitted,

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